

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 8 and 9 have been canceled. Amended claims 1-7 and 10 are in the application.

The drawings were objected to because element 109 in Figure 1 should be labeled –AUDIO PROCESSING SECTION--. Fig. 1 has been amended herein so as to incorporate such change.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: on page 14, line 5, blocks 201 to 203. Fig. 2 has been amended herein so as to clarify this matter.

The Examiner indicated that the present application did not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract of the disclosure is presented herein.

The Examiner required a new title that is clearly indicative of the invention to which the claims are directed. A new title is presented herein.

The disclosure was objected to because of several informalities. The present application as presented herein is believed to overcome these informalities.

Claim 4 was objected to because “the word ‘profiled’ in line 1 of the claim should be --profile--. Claim 4 has been amended herein so as to incorporate this change.

Claims 1-4 and 6-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. (USPN 5,758,257).

Amended independent claim 1 recites in part the following:

“virtual channel guide creating means for creating on the basis of said user profile created by said user profile creating means and said program information extracted by said program extracting means a virtual channel guide in which programs of said plurality of real channels are selectively located.” (Emphasis ours.)

It is respectfully submitted that Herz as applied by the Examiner (hereinafter, merely “Herz”) does not specifically disclose the above feature of claim 1. Accordingly, it is believed that claim 1 is distinguishable from Herz.

Claims 2-4 and 6-10 are dependent from independent claim 1 and, as such, are also believed to be distinguishable from Herz for at least the reasons previously described.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (5,758,257) in view of Hodge et al. (USPN 6,564,381).

Claim 5 is dependent from independent claim 1 and, as such, is also believed to be distinguishable from Herz for at least the reasons previously described. Hodge as applied by the Examiner (hereinafter, merely “Hodge”) does not appear to overcome the above-described discrepancies of Herz. Accordingly, it is believed that claim 5 is distinguishable from the applied combination of Herz and Hodge.

Therefore, it is respectfully requested that the above 102 and 103 rejections of claims 1-7 and 10 be withdrawn.

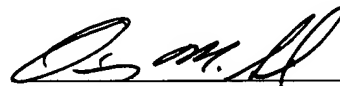
The Examiner made of record, but did not rely upon, a number of documents. The applicant appreciates the Examiner's explicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In the event, that the Examiner disagrees with any of the foregoing opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Dennis M. Smid
Reg. No. 34,930
(212) 588-0800